

(2) **KENDRICK PROJECT.**—The term “Kendrick Project” means the Bureau of Reclamation project on the North Platte River that was authorized by a finding of feasibility approved by the President on August 30, 1935, and constructed for irrigation and electric power generation, the major features of which include—

(A) *Seminole Dam, Reservoir, and Powerplant; and*

(B) *Alcova Dam and Powerplant.*

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(4) **STATE.**—The term “State” means the State of Wyoming.

(b) **CONTRACTS.**—

(1) **IN GENERAL.**—The Secretary may enter into 1 or more contracts with the city for annual storage of the city’s water for municipal and industrial use in *Seminole Dam and Reservoir of the Kendrick Project.*

(2) **CONDITIONS.**—

(A) **TERM; RENEWAL.**—A contract under paragraph (1) shall—

(i) *have a term of not more than 40 years; and*

(ii) *may be renewed on terms agreeable to the Secretary and the city, for successive terms of not more than 40 years per term.*

(B) **REVENUES.**—Notwithstanding the Act of May 9, 1938 (52 Stat. 322, chapter 187; 43 U.S.C. 392a)—

(i) *any operation and maintenance charges received under a contract executed under paragraph (1) shall be credited against applicable operation and maintenance costs of the Kendrick Project; and*

(ii) *any other revenues received under a contract executed under paragraph (1) shall be credited to the Reclamation Fund as a credit to the construction costs of the Kendrick Project.*

(C) **EFFECT ON EXISTING CONTRACTORS.**—A contract under paragraph (1) shall not adversely affect the Kendrick Project contractor, or any existing Reclamation contractor on the North Platte River System.

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city’s water in the Kendrick Project, Wyoming.”

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 943), as amended, was passed.

HAWAII WATER RESOURCES ACT OF 2004

The Senate proceeded to consider the bill (S. 960) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hawaii Water Resources Act of [2003] 2004”.

SEC. 2. HAWAII RECLAMATION PROJECTS.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities

Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

“SEC. [1636] 1637. HAWAII RECLAMATION PROJECTS.

“(a) **AUTHORIZATION.**—The Secretary may—

“(1) in cooperation with the Board of Water Supply, City and County of Honolulu, Hawaii, participate in the design, planning, and construction of a project in Kalaeloa, Hawaii, to desalinate and distribute seawater for direct potable use within the service area of the Board;

“(2) in cooperation with the County of Hawaii Department of Environmental Management, Hawaii, participate in the design, planning, and construction of facilities in Kealahou, Hawaii, for the treatment and distribution of recycled water and for environmental purposes within the County; and

“(3) in cooperation with the County of Maui Wastewater Reclamation Division, Hawaii, participate in the design, planning, and construction of, and acquire land for, facilities in Lahaina, Hawaii, for the distribution of recycled water from the Lahaina Wastewater Reclamation Facility for non-potable uses within the County.

“(b) **COST SHARE.**—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for the operation and maintenance of a project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.”

(b) **CONFORMING AMENDMENT.**—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) [is amended by inserting after the item relating to section 1634 the following:

“[“Sec. 1636. Hawaii reclamation projects.”.

SEC. 3. HAWAII WATER RESOURCES STUDY.

[The Hawaii Water Resources Act of 2000 is amended—

“(1) in section 103(e) (114 Stat. 2819), by striking “\$300,000” and inserting “\$2,000,000”; and

“(2) in section 104(b) (114 Stat. 2819), by striking “cost-effective,” and all that follows through the period at the end and inserting “cost-effective.”.]

is amended by inserting after the item relating to section 1636 the following:

“Sec. 1637. Hawaii reclamation projects.”.

The committee amendments were agreed to.

The bill (S. 960), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

RECREATIONAL FEE AUTHORITY ACT OF 2004

The Senate proceeded to consider the bill (S. 1107) to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike in parts shown in black brackets and insert the parts shown in italic.]

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Recreational Fee Authority Act of [2003] 2004”.

SEC. 2. RECREATION FEE AUTHORITY.

(a) **IN GENERAL.**—Beginning [in Fiscal Year 2004 and thereafter,] on *January 1, 2006*, the Secretary of the Interior (“Secretary”) may establish, modify, charge, and collect fees for admission to a unit of the National Park System and the use of National Park Service (“Service”) administered areas, lands, sites, facilities, and services (including reservations) by individuals and/or groups. Fees shall be based on an analysis by the Secretary of—

(1) the benefits and services provided to the visitor;

(2) the cumulative effect of fees;

(3) the comparable fees charged elsewhere and by other public agencies and by nearby private sector operators;

(4) the direct and indirect cost and benefit to the government;

(5) public policy or management objectives served;

(6) economic and administrative feasibility of fee collection; and

(7) other factors or criteria determined by the Secretary.

(b) **NUMBER OF FEES.**—The Secretary shall establish the minimum number of fees and shall avoid the collection of multiple or layered fees for a wide variety of uses, activities or programs.

(c) **ANALYSIS.**—The results of the analysis together with the Secretary’s determination of appropriate fee levels shall be transmitted to the Congress at least three months prior to publication of such fees in the Federal Register. New fees and any increases or decreases in established fees shall be published in the Federal Register and no new fee or change in the amount of fees shall take place until at least 12 months after the date the notice is published in the Federal Register.

(d) **ADDITIONAL AUTHORITIES.**—Beginning on [October 1, 2003] *January 1, 2006*, the Secretary may enter into agreements, including contracts to provide reasonable commissions or reimbursements with any public or private entity for visitor reservation services, fee collection and/or processing services.

(e) **ADMINISTRATION.**—The Secretary may provide discounted or free admission days or use, may modify the National Park Passport, established pursuant to Public Law 105-391, and shall provide information to the public about the various fee programs and the costs and benefits of each program.

(f) **STATE AGENCY ADMISSION AND SPECIAL USE PASSES.**—Effective [October 1, 2003] *January 1, 2006*, and notwithstanding the Federal Grants Cooperative Agreements Act, the Secretary may enter into revenue sharing agreements with State agencies to accept their annual passes and convey the same privileges, terms and conditions as offered under the auspices of the National Park Passport, to State agency annual passes and shall only be accepted for all of the units of the National Park System within the boundaries of the State in which the specific revenue sharing agreement is entered into except where the Secretary has established a fee that includes a unit or units located in more than one State.

SEC. 3. DISTRIBUTION OF RECEIPTS.

Without further appropriation, all receipts collected pursuant to the Act or from sales of the National Park Passport shall be retained by the Secretary and may be expended as follows:

(1) 80 percent of amounts collected at a specific area, site, or project as determined by the Secretary, shall remain available for use at the specific area, site or project, except for those units of the National Park

System that participate in an active revenue sharing agreement with a State under Section 2(f) of this Act, not less than 90 percent of amounts collected at a specific area, site, or project shall remain available for use.

(2) The balance of the amounts collected shall remain available for use by the Service on a Service-wide basis as determined by the Secretary.

(3) Monies generated as a result of revenue sharing agreements established pursuant to Section 2(f) may provide for a fee-sharing arrangement. The Service shares of fees shall be distributed equally to all units of the National Park System in the specific States that are parties to the revenue sharing agreement.

(4) Not less than 50 percent of the amounts collected from the sale of the National Park Passport shall remain available for use at the specific area, site, or project at which the fees were collected and the balance of the receipts shall be distributed in accordance with paragraph 2 of this Section.

SEC. 4. EXPENDITURES.

(a) **USE OF FEES AT SPECIFIC AREA, SITE, OR PROJECT.**—Amounts available for expenditure at a specific area, site or project shall be accounted for separately and may be used for—

(1) repair, maintenance, facility enhancement, media services and infrastructure including projects and expenses relating to visitor enjoyment, visitor access, environmental compliance, and health and safety;

(2) interpretation, visitor information, visitor service, visitor needs assessments, monitoring, and signs;

(3) habitat enhancement, resource assessment, preservation, protection, and restoration related to recreation use; and

(4) law enforcement relating to public use and recreation.

(b) The Secretary may use not more than fifteen percent of total revenues to administer the recreation fee program including direct operating or capital costs, cost of fee collection, notification of fee requirements, direct infrastructure, fee program management costs, bonding of volunteers, start-up costs, and analysis and reporting on program accomplishments and effects.

SEC. 5. REPORTS.

On January 1, [2006.] 2009, and every three years thereafter the Secretary shall submit to the Congress a report detailing the status of the Recreation Fee Program conducted in units of the National Park System including an evaluation of the Recreation Fee Program conducted at each unit of the National Park System; a description of projects that were funded, work accomplished, and future projects and programs for funding with fees, and any recommendations for changes in the overall fee system.

The committee amendments were agreed to.

The bill (S. 1107), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

BOUNDARY CONFLICTS IN BARRY AND STONE COUNTIES, MISSOURI

The Senate proceeded to consider the bill (S. 1167) to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

[(a) FINDINGS.—The Congress finds and declares that—

[(1) certain landowners in Barry and Stone Counties, Missouri, have innocently and in good faith relied on subsequent land surveys, which they believed to have been correct, and have occupied, improved, or claimed portions of adjoining Federal lands based on such survey information; and

[(2) the appropriate Federal agencies should undertake actions to reestablish the corners of the Public Land Survey system, and to rectify boundary conflicts and land-ownership claims against Federal lands resulting from subsequent Federal and private land surveys, and do so in a manner which imposes the least cost and inconvenience to affected private landowners.

[(b) PURPOSES.—Within Barry and Stone Counties, Missouri, the purposes of this Act are—

[(1) to resolve any boundary disputes arising from these subsequent land surveys; and

[(2) to minimize costs and inconvenience to the affected private property owners in Barry and Stone County, Missouri.

SECTION 2. DEFINITIONS.

[For the purposes of this Act, the term—

[(1) “appropriate Secretary” means either the Secretary of the Army or the Secretary of Agriculture;

[(2) “boundary conflict” means the situation where the private claim of ownership for non-Federal lands, based on subsequent land surveys, overlaps or conflicts with Federal ownership;

[(3) “Bureau of Land Management” means the agency of that name within the United States Department of the Interior, the successor agency to the United States General Land Office.

[(4) “Corps of Engineers” means the U.S. Army Corps of Engineers;

[(5) “Federal land surveys” means any land survey made by an agency or department of the Federal Government with Federal employees, or by Federal contract with State licensed private land surveyors or corporations and businesses licensed to provide professional land surveying services in the State of Missouri;

[(6) “Forest Service” means the Forest Service, an agency of the U.S. Department of Agriculture;

[(7) “National Forest System lands” means Federal lands within the National Forest System as such System is defined by section 10(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1609(a));

[(8) “original land surveys” means the land surveys made by the General Land Office as part of the United States Public Land Survey System in the State of Missouri, and upon which the Government land patents were issued conveying the land from the Federal Government into private ownership;

[(9) “United States Public Land Survey System” means the rectangular system of original Government lands survey made by the United States General Land Office and its successor, the Bureau of Land Management, under Federal laws providing for the survey of the public lands upon which the original land patents were issued;

[(10) “qualifying claimant” means a private owner of real property in Barry and Stone Counties, Missouri, who has boundary

conflict as a result of good faith and innocent reliance on subsequent land surveys, and as a result of such reliance, has occupied, improved, or made ownership claims to Federal lands, and who files a claim for relief under this Act within the time period prescribed in section 4(b); and

[(11) “subsequent land surveys” mean any land surveys made after the original land surveys.

SEC. 3. RESOLUTION OF BOUNDARY CONFLICTS.

[(a) AUTHORITIES.—Notwithstanding any other provision of law, including the Federal Property Administration Services Act of 1949, and without requirements for further administrative or environmental analyses or examination, the appropriate Secretary is authorized discretion to take any of the following actions, or combinations of actions, in order to resolve boundary conflicts with qualifying claimants on lands under their respective administrative jurisdiction—

[(1) to convey and quitclaim all right, title, and interest of the United States in land for which there is a boundary conflict; or

[(2) to confirm Federal title to and retain in Federal management any land for which there is a boundary conflict where there are Federal interests which may include improvements, authorized uses, easements, hazardous materials, historical and cultural resources; and

[(3) to compensate the qualifying claimant for the value of the overlapping property for which title is confirmed and retained in Federal management pursuant to paragraph (2) of this subsection.

[(b) CONSIDERATION AND COSTS.—The Appropriate Secretary shall—

[(1) waive consideration for the value of the Federal land conveyed and quitclaimed pursuant to subsection (a)(1) upon a finding that the boundary conflict was the result of the innocent detrimental reliance by the qualifying claimant on a subsequent land survey;

[(2) pay administrative, personnel and any other costs associated with the implementation of this Act, including the costs of survey, marking and monumenting property lines and corners; and

[(3) reimburse the qualifying claimant for reasonable out-of-pocket survey costs necessary to establish a claim under this Act.

[(c) VALUATION.—Compensation paid to qualifying claimants for land retained in Federal ownership pursuant to subsection (a)(2) shall be valued on the basis of the contributory value of the tract of land to the larger adjoining private parcel and not on the basis of the land being a separate tract, and shall not include the value of Federal improvements to the land.

[(d) PREEXISTING CONDITION.—

[(1) The United States shall not compensate a qualifying claimant or any other person for any preexisting condition or reduction in value of any land which is the subject of a boundary conflict because of any existing or outstanding permits, use authorizations, reservations, timber removal, or other land use or condition.

[(2) The requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)) shall not apply to conveyances or transfers of jurisdiction under this Act, but the United States shall continue to be liable for the cleanup costs of any hazardous substances on the lands so conveyed or transferred if the contamination by hazardous substances is caused by actions of the United States or its agents.

[(e) RESERVATIONS, VALID EXISTING RIGHTS AND USES.—

[(1) Any conveyance pursuant to subsection (a)(1) shall be subject to—